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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,107	12/02/2003	Moshe Saraf	19096	4805
23556	7590	07/01/2005	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC.			OSELE, MARK A	
401 NORTH LAKE STREET			ART UNIT	
NEENAH, WI 54956			PAPER NUMBER	

1734

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,107

Applicant(s)

SARAF, MOSHE

Examiner

Mark A. Osele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14 and 16-23 is/are rejected.
- 7) ☐ Claim(s) 11 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02242004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 12, 14, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wynn. Wynn shows a cutting method and apparatus using a rotary cutter with a plurality of axial knife members, 18, extending radially outward from the shaft and a pair of circumferentially extending bearing members, 11, also extending outward from the shaft member. The bearing members are located proximate axially opposed ends of the knife members. Wynn teaches that the radial height differential between the radially distal edge of the knife members and the radially distal bearing surface are adjustable (Abstract). Wynn further shows a rotary anvil, 20, cooperatively adjacent the rotary cutter to provide a nip between the anvil and the rotary cutter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 8-10, 20-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn in view of Membrino. Wynn fails to show crimping members. Membrino shows a rotary cutter including crimping members, 88, to provide a seal adjacent the cut (column 4, line 69 to column 5, line 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use one or two crimping members adjacent each of the blades of Wynn when it is desired to fuse edges of materials as well as cut them as taught by Membrino.

Regarding claim 23, peripheral speeds of 80 cm/sec are common in processing webs through nip rolls. It would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the rolls as fast as possible for increased productivity and throughput.

5. Claims 13, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn in view of Cox et al. Wynn fails to show bearing members on the anvil. Cox et al. shows bearing members, 122, on a rotary anvil cooperating with bearing members, 122, on the rotary cutter (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the bearing members of Cox et al. to the anvil of Wynn to provide a constant nip distance between the anvil and the cutter.

Regarding claim 16, it is conventional to include a forcing mechanism to urge cooperating rolls against each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a force mechanism to the rolls of

Wynn because a constant pressure can be applied and deflection due to materials being processed is eliminated.

Allowable Subject Matter

6. Claims 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art suggest discontinuous bearings or bearings attached to the same insert as the knife members.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rosemann and Steidinger each show rotary cutters with bearing members.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark A. Osele', is positioned above the printed name and title.

MARK A. OSELE
PRIMARY EXAMINER

June 27, 2005